



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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(not for service)

November 22, 2022

**BY ECF**

Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**APPLICATION GRANTED  
SO ORDERED**

*John G. Koeltl*  
11/22/22

John G. Koeltl, U.S.D.J.

Re: *Polanco v. Porter*, 21-cv-10176 (JGK) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants New York City Department of Education (“DOE”) and DOE Chancellor David C. Banks in the above-referenced matter. This action concerns an appeal from an administrative decision that denied Plaintiff’s request for tuition funding at the International Institute for the Brain (iBRAIN), a private school of Plaintiff’s unilateral choosing, during the Plaintiff-student’s 2020-2021 school year.

I write to respectfully request a three-week extension of time, from November 25, 2022, until December 16, 2022, for Defendants to file their reply papers in further support of their cross-motion for summary judgment. This is Defendants’ first request for an extension of time to file the reply papers. Counsel for Plaintiff, Rory J. Bellantoni, Esq., consents to this request.

The reason for the requested enlargement is due to the Thanksgiving holiday and professional obligations in this and other matters, including opposition papers to an emergency motion for a preliminary injunction, which I was not aware of at the time the briefing schedule was set.<sup>1</sup> The requested extension of time, therefore, will enable me to finalize and file the motion papers in this matter.

<sup>1</sup> I apologize to the Court for having to seek this final extension of time to file the reply papers. As background, by Order dated August 25, 2022 (ECF No. 28), the Court granted Defendants’ first request for a 45-day extension of

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Accordingly, Defendants respectfully request that the Court grant an extension of time, until December 16, 2022, for Defendants to file their reply papers in further support of their cross-motion for summary judgment.

I thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Philip S. Frank

cc: All counsel of record (via ECF)

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time to file their cross-motion and opposition to Plaintiff's motion for summary judgment. The Court further directed that in light of the length of the extension, no further extensions of the deadlines would be granted. By Order dated October 7, 2022 (ECF No. 30), the Court granted Defendants' second request for a brief, three-day extension of time to file their cross-motion and opposition to Plaintiff's motion for summary judgment.